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SAN FRANCISCO BAY AREA RAPID TRANSIT  
DISTRICT

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO BAY AREA RAPID  
TRANSIT DISTRICT,

Plaintiff,

vs.

GE TRANSPORTATION SYSTEMS  
GLOBAL SIGNALING, LLC,

Defendant.

AND RELATED COUNTERCLAIM

Case No. C 06 3749 JSW

**STIPULATION AND ~~[PROPOSED]~~  
ORDER CONCERNING LAY WITNESSES  
WITH EXPERT OPINIONS  
(F.R. Evid. 502, 701, 702 and 705)**

Complaint Filed: June 13, 2006  
Trial Date: February 22, 2010

1 Defendant and Counterclaimant GE TRANSPORTATION SYSTEMS GLOBAL  
 2 SIGNALING, LLC and Plaintiff and Counterdefendant SAN FRANCISCO BAY AREA RAPID  
 3 TRANSIT DISTRICT hereby stipulate, through counsel, that party-affiliated lay witnesses may  
 4 offer not only those opinions permitted by F.R.Evid. 701, but also expert opinions within the  
 5 meaning of F.R.Evid. 702, provided that, both the identity of the witness and a statement of each  
 6 expert opinion held by that witness, are disclosed on the date for the disclosure of all expert  
 7 opinions held by independent experts in the captioned litigation. For purposes of this Stipulation  
 8 only, the term "party-affiliated lay witnesses" means past or present contractors to or employees  
 9 of the parties.

10 The disclosure of a party-affiliated lay witness who will offer expert opinions within the  
 11 meaning of F.R.Evid. 702 does not waive any attorney-client privilege or work product doctrine  
 12 protection covering information known to the witness, except as to information considered or  
 13 relied upon by the witness in the formation of his/her expert opinions. See F.R.Evid. 502  
 14 and 705.

15  
 16 DATED: July 23, 2009

FARELLA BRAUN + MARTEL LLP

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 19 By:   
 Charles M. Sink

20 Attorneys for Defendant and Counterclaimant  
 21 GE TRANSPORTATION SYSTEMS  
 22 GLOBAL SIGNALING, LLC  
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1 DATED: July 23, 2009

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10 Attorneys for Plaintiff and Counterdefendant  
SAN FRANCISCO BAY AREA RAPID  
11 TRANSIT DISTRICT

12  
13 ORDER

14 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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16  
17 DATED: July 27, 2009

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HONORABLE JEFFREY S. WHITE  
United States District Judge